

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL SANTULLI, et al.,

Plaintiffs,

-against-

TOWN OF BROOKHAVEN, et al,

Defendants.
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ORDER

CV 08-1355 (DRH)(ARL)

LINDSAY, Magistrate Judge:

On July 20, 2010, the defendants sought to compel the deposition of the Coalition of Landlord, Homeowners and Merchants (the "Coalition"). In their application, the defendants indicated that they had spoken to staff counsel for the Coalition, Judith Berger, to address any issue concerning the subpoena but that the Coalition had failed to comply. Ms Berger opposed the motion on behalf of the Coalition arguing, among other things that, (1) the Coalition did not receive a witness fee, (2) the subpoena did not specify a time or date for the appearance, (3) the subpoena did not state the method of recording the deposition testimony, (4) the subpoena did not provide the Coalition with a reasonable time to comply, and (5) the information being sought was irrelevant and privileged. By order dated August 17, 2010, the court granted the defendants' motion and directed counsel for the defendants and counsel for the Coalition to meet and confer to determine a date for both the production of documents and the deposition of the Coalition at a mutually convenient time before September 17, 2010. On September 15, 2010, counsel for the defendants advised the court that he had attempted to contact Ms. Berger numerous times pursuant to the court's direction but had received no response from her.

On September 23, 2010, the court directed Ms. Berger to contact Mr. Hill and provide him with a date for the production of documents and the deposition of the Coalition by October 4, 2010. The court warned the Coalition that failure to comply with the court's order could result in the imposition of sanctions. After receiving the court's second order, Ms. Berger advised counsel and the court that she is no longer representing the Coalition in this matter. The Coalition's decision to go forward without Ms. Berger's assistance does not relieve it of the obligation to comply with the subpoena and the court's orders. Accordingly, Ms. Berger is to provide her former client with a copy of this order immediately upon receipt. A representative of the Coalition is ordered to contact counsel for the defendants by the close of business on October 15, 2010, and to provide him with a date for the production of documents and the deposition of the Coalition, to take place no later than October 22, 2010. If the Coalition fails to comply, the

court will entertain a contempt motion.

Dated: Central Islip, New York
October 12, 2010

SO ORDERED:

_____/s/_____
ARLENE ROSARIO LINDSAY
United States Magistrate Judge